IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 2572 of 2007(F)

PETITIONER:

V.K.RAJAN, S/O. KESAVAN,
AGED 57 YEARS, MURUKAVILASAM BUNGLOW, TC 10/1536,
VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

2. SPECIAL TAHSILDAR, (LA),
PWD (SOUTHERN CIRCLE), THIRUVANANTHAPURAM.

BY L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 2572 OF 2007

Dated 15th February 2007

J U D G M E N T

Case of petitioner is that 2.40 Ares in survey No.600/9 and 3.30 Ares in survey No.600/2 of Peroorkada village belonging to him were acquired by government in L.A.C.572/2005 and he had received the compensation under protest and requested for a reference to the Land Acquisition court under Section 18 of the Land Acquisition Act under Ext.P2 on 23/1/2006 and till date no reference was made. This petition is filed under Article 226 of Constitution of India for a writ of mandamus commanding respondents to refer the claim for enhanced compensation as provided under Section 18 of Land Acquisition Act. Though case was adjourned twice for filing counter affidavit on the request of the Government Pleader, no counter affidavit was filed.

2. Learned counsel appearing for petitioner submitted that on enquiry by petitioner it appears that no reference was made because an application for

reference in a printed form was not furnished. It was pointed out that this court in **Jameson v. State of Kerala (2006 (3) KLT 186)** held that it is the duty of the Collector to make a reference and it is not mandatory that application should be filed in the printed form.

3. Writ petition is allowed. Respondents are directed to pass appropriate order in Ext.P2 application within two months from the date of receipt of copy of this judgment. It is also made clear that while considering the application for reference, respondent shall bear in mind the decision of this court in Jameson's case (Supra).

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.